



Commission's Secretary  
Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Delivered via Electronic Filing to:  
Electronic Comment Filing System

Re: EB-06-TC-060  
EB Docket No. 06-36

Certification of CPNI Filing February 3, 2006  
For the Period Beginning May 25, 2005

Dunkirk and Fredonia Telephone Company (D&F), USAC Filer ID# 808748, is hereby complying with the January 30, 2006 Public Notice in which the Enforcement Bureau (Bureau) directs all telecommunications carriers to submit a compliance certificate to the Commission as required by Section 64.2009(e)<sup>1</sup> of the Commission's rules.

D&F hereby certifies that it is in compliance with Section 64.2009 of the Commission's rules for the period ending December 31, 2005 and provides an accompanying statement explaining how D&F's operating procedures ensure compliance with the FCC's rules.

D&F complies with Section 222 of the Communications Act of 1934, as amended (the "Act")<sup>2</sup>, that requires that telecommunications carriers protect the privacy of customer proprietary network information ("CPNI").

Sincerely,

Mark R. Maytum  
President & COO

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<sup>1</sup> 47 C.F.R. §64.2009(e).

<sup>2</sup> 47 U.S.C. §222.

Where communication takes flight

Cc: Delivered via email to [byron.mccoy@fcc.gov](mailto:byron.mccoy@fcc.gov)  
Mr. Byron McCoy  
Telecommunications Consumers Division, Enforcement Bureau  
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Room 4-A234, 445 12th Street, S.W.  
Washington, D.C. 20554

Cc: Deliver via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com)  
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**Dunkirk and Fredonia Telephone Company**

**USAC Filer ID# 808748**

**Customer Proprietary Network Information (CPNI)**

**Certification for the Period Beginning May 25, 2005**

I, Mark R. Maytum President & COO of Dunkirk and Fredonia Telephone Company (D&F) do hereby certify that D&F is in compliance with the FCC Rules and Regulations § 64.2009 "Safeguards Required for Use of Customer Proprietary Network Information" for the year beginning May 25, 2005.

I further certify that I am an officer of D&F and have personal knowledge that the companies have established operating procedures that are adequate to ensure compliance with the rules in § 64.2009. This information is true and accurate to the best of my knowledge, information and belief.

Exhibit A provides a statement explaining how D&F's operating procedures ensure that it is in compliance with the rules in § 64.2009 which are included on Exhibit B.

Mark R. Maytum, President & COO  
Dunkirk and Fredonia Telephone Company

5/25/05  
Date

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## **Exhibit A**

### **Statement of Compliance with Customer Proprietary Network Information (CPNI) Procedures**

Dunkirk and Fredonia Telephone Company (Company), an ILEC, does not use the CPNI information for its own or its affiliated company marketing efforts. Furthermore, no customer information will be provided to anyone other than the customer and the E-911 database except under a court order. The customer is verified by means of either their social security number, or by means of a special password that is created by the customer. Once verification of the customer is made, the customer can get their balance, what carrier they are presubscribed to, or questions answered on their bill.

#### **E-911:**

Database Updates: Updates of customer information is provided to the E-911 database including the customer name, phone number, whether it is a residential or business, and service location address.

E-911 addressing: If the E-911 Database provider is doing the physical addressing out in the field for areas lacking formal addresses, the Company will provide the customer name, phone number and service location only once the Database provider submits a signed, notarized statement that the data will only used for E-911 addressing purposes.

#### **Court Orders:**

If the proper approved legal documents, including an approved Court Order, is received by the Company, the Company will provide law enforcement or the appropriate legal entity with the requested information only after determining that the request is in compliance with all necessary laws and/or regulations.

David Pihl, Vice President of Operations, CALEA Compliance Officer, retains requests of this type under lock for a period of at least five years.

#### **State or County Requests:**

The Company will not provide any informal requests for customer information lacking a court order.

#### **Review of CPNI Procedures:**

The Commercial Manager reviews the Company's CPNI procedures periodically to determine that full compliance with the FCC's rules are adhered to.

As part of the new employee orientation, all business office employees of the Company are informed that they are not allowed to give out any customer information to anyone other than the customer. Any special requests for customer information are referred to the Commercial Manager or an officer of the company.

**FCC Rules on Customer Proprietary Network Information (CPNI)**

**§ 64.2009 Safeguards Required for Use of Customer Proprietary Network Information.**

- (a) Telecommunications carriers must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.
- (b) Telecommunications carriers must train their personnel as to when they are, and are not, authorized to use CPNI, and carriers must have an express disciplinary process in place.
- (c) All carriers shall maintain a record, electronically or in some other manner, of their own and their affiliates' sales and marketing campaigns that use their customers' CPNI. All carriers shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. Carriers shall retain the record for a minimum of one year.
- (d) Telecommunications carriers must establish a supervisory review process regarding carrier compliance with the rules in this subpart for outbound marketing situations and maintain records of carrier compliance for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.
- (e) A telecommunications carrier must have an officer, as an agent of the carrier, sign a compliance certificate on an annual basis stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. The carrier must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is, or is not, in compliance with the rules in this subpart.
- (f) Carriers must provide written notice within five business days to the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.
  - (1) The notice shall be in the form of a letter, and shall include the carrier's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.
  - (2) Such notice must be submitted even if the carrier offers other methods by which consumers may opt-out.